

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP (797-1101)

SUBJECT: Ordinance - Grant of Easement

Application No., Project Name and Location:
VA 5-2-00, Epstein/Peterson Vacation

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A ROAD AND UTILITY EASEMENT FROM RICHARD W. EPSTEIN AND MARIE G. PETERSON, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The attached ordinance accepts a 1,432 square foot easement that will accommodate a K-style turnaround which the applicant is required to construct at the end of SW 59 Court located east of SW 70 Avenue.

This request fulfills the condition of approval of the ordinance vacating of the east 255 feet of SW 59 Court approved by Town Council at its February 21, 2001 meeting.

PREVIOUS ACTIONS:

Town Council approved an ordinance vacating the east 255 feet of SW 59 Court (application VA 5-2-00) (Motion carried: 5-0, February 21, 2001).

CONCURRENCES: None

RECOMMENDATION(S): Motion to approve.

Attachment(s): Ordinance, Grant of Easement, Land Description and Sketch, Land Use map, Subject Site map, and Aerial.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A ROAD AND UTILITY EASEMENT FROM RICHARD W. EPSTEIN AND MARIE G. PETERSON, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Richard W. Epstein and Marie G. Peterson wish to encumber lands with a road and utility easement in conjunction with a vacation of a public right-of-way, and in furtherance thereof have tendered a road and utility easement to the Town of Davie.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The grant made by the road and utility easement dated the 17th day of November, 2000, a copy of which is attached hereto as "Exhibit A", is hereby accepted.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2001.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2001.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2001.

PREPARED BY: Town of Davie
Development Services Dept.

RETURN TO: Davie Town Clerk's Office
Town of Davie
6591 Orange Drive
Davie, Florida 33314

EASEMENT

THIS EASEMENT is made between **RICHARD W. EPSTEIN AND MARIE G. PETERSON**, his wife (hereinafter referred to as "Grantor"), whose post office address is 2860 SW 85th Way, Davie, Florida 33328, and **THE TOWN OF DAVIE, FLORIDA**, a municipal corporation in Broward County, Florida (hereinafter referred to as "Grantee"), whose post office address is 6591 Orange Drive, Davie, Florida, 33314. "Grantor" and "Grantee" are used for singular and/or plural, as the text requires.


The following recitals of fact are a material part of this instrument:

A. The Grantor is the owner of a tract of land described in the attached Exhibit "A";
B. In consideration of Ten (\$10.00) Dollars and other good and valuable considerations, the Grantor, by this document, grants an easement over, under and across that part of the property described in the attached Exhibit "A" and which is hereafter referred to as "the easement premises":


1. Grant of Easement. The Grantor hereby grants to the Grantee a right of way and utility easement as described in Exhibit "A" attached hereto above to the TOWN OF DAVIE, who shall have the right to construct, alter and maintain a road (for public usage & access) and utilities across the easement premises, together with the free right of ingress and egress over such property insofar as such right of ingress and egress is necessary to the use or any other right granted herein

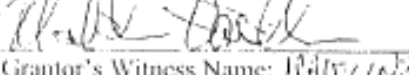
2. Warranties of Title. Grantor warrants that he has good and indefeasible fee simple title to the easement premises.

IN WITNESS WHEREOF the Grantor(s) have hereunto set their hands and seals this ____ day February 2001.


Grantor's Witness Name: GAIL CLARK


Grantor's Witness Name: PAULINE PETERSON


Grantor's Witness Name: GAIL CLARK



Grantor's Witness Name: PAULINE PETERSON


Grantor
Print Name: Richard W. Epstein


Grantor
Print Name: Marie G. Peterson

STATE OF FLORIDA :
SS
COUNTY OF BROWARD :

The foregoing instrument was acknowledged before me this 16th day of February, 2009, by Richard W. Epstein and Marie G. Peterson, his wife, who are personally known to me or have produced _____ as identification and who did take an oath.


NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:

G:\A17\B154\001\BWE - Town of Davie - Escrow\ds.doc



COUSINS SURVEYORS & ASSOCIATES, INC.



5365 S.W. 76TH AVENUE
DAVIE, FLORIDA 33328
CERTIFICATE OF AUTHORIZATION: LB # 6448
PHONE (954) 680-9885 FAX (954) 680-0713

PROJECT NUMBER : 2632-99

CLIENT :
GREENSPOON, WARDER, HIRSCHFELD,
RAFKIN, ROSS & BERGER

LAND DESCRIPTION AND SKETCH

PROPOSED ROAD EASEMENT

A PORTION OF THE NORTH ONE-HALF (N 1/2) OF TRACT 19, SECTION 34 OF
"EVELGLADES LAND SALES CO. SUBDIVISION OF SECTIONS 27 AND 34 AND THE WEST
1/2 OF SECTIONS 26 AND 35 TOWNSHIP 50 SD. RANGE 41 E. DADE COUNTY, FLORIDA"
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2 AT PAGE 34 OF THE
PUBLIC RECORDS OF MIAMI/DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS :

COMMENCE AT THE SOUTHEAST CORNER OF SAID NORTH ONE-HALF (N 1/2) OF SAID
TRACT 19;

THENCE ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF (N 1/2) OF TRACT 19,
SOUTH 88°12'00" WEST, A DISTANCE OF 215.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID SOUTH LINE, SOUTH 88°12'00" WEST, A DISTANCE OF
40.00 FEET;

THENCE NORTH 01°56'36" WEST, A DISTANCE OF 36.00 FEET;

THENCE NORTH 88°12'00" EAST, A DISTANCE OF 22.00 FEET;

THENCE SOUTH 01°56'36" EAST, A DISTANCE OF 6.00 FEET;

THENCE NORTH 88°12'00" EAST, A DISTANCE OF 18.00 FEET;

THENCE SOUTH 01°56'36" EAST, A DISTANCE OF 30.00 FEET TO THE POINT OF
BEGINNING.

SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA.

LEGEND

CBS	CONCRETE BLOCK STRUCTURE
CKD	CHECKED BY
CONC	CONCRETE
OWN	OWNER
FD/PG	FIELD BOOK AND PAGE
A/C	AIR CONDITIONER SLAB
P/B	PLAT BOOK
IB	INDUSTRIAL BUSINESS
B.C.R.	BROWARD COUNTY RECORDS
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
FPL	FLORIDA POWER & LIGHT
A	CENTRAL ANGLE
R	ARC LENGTH
R	RADIUS
WPP	WOOD POINER POLE
WV	WATER VALVE
ANC	ANCHOR
TH	FIRE HYDRANT
WM	WATER METER

I HEREBY CERTIFY THAT THE ATTACHED "LAND DESCRIPTION AND SKETCH"
IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS
PREPARED UNDER MY DIRECTION ON OCTOBER, 2000. I FURTHER CERTIFY
THAT THIS "LAND DESCRIPTION AND SKETCH" MEETS THE MINIMUM TECHNICAL
STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA ACCORDING TO CHAPTER
61617 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027,
FLORIDA STATUTES, SUBJECT TO THE QUALIFICATIONS NOTED HEREON.

FOR THE FIRM, BY

Richard E. Cousins
RICHARD E. COUSINS
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NO. 4188

REVISIONS	DATE	FD/PG	OWN	CKD
LAND DESCRIPTION & SKETCH	10/03/00	N/A	REC	REC
REVISED EASEMENT	10/17/00	N/A	REC	REC

PROPOSED
ROAD EASEMENT

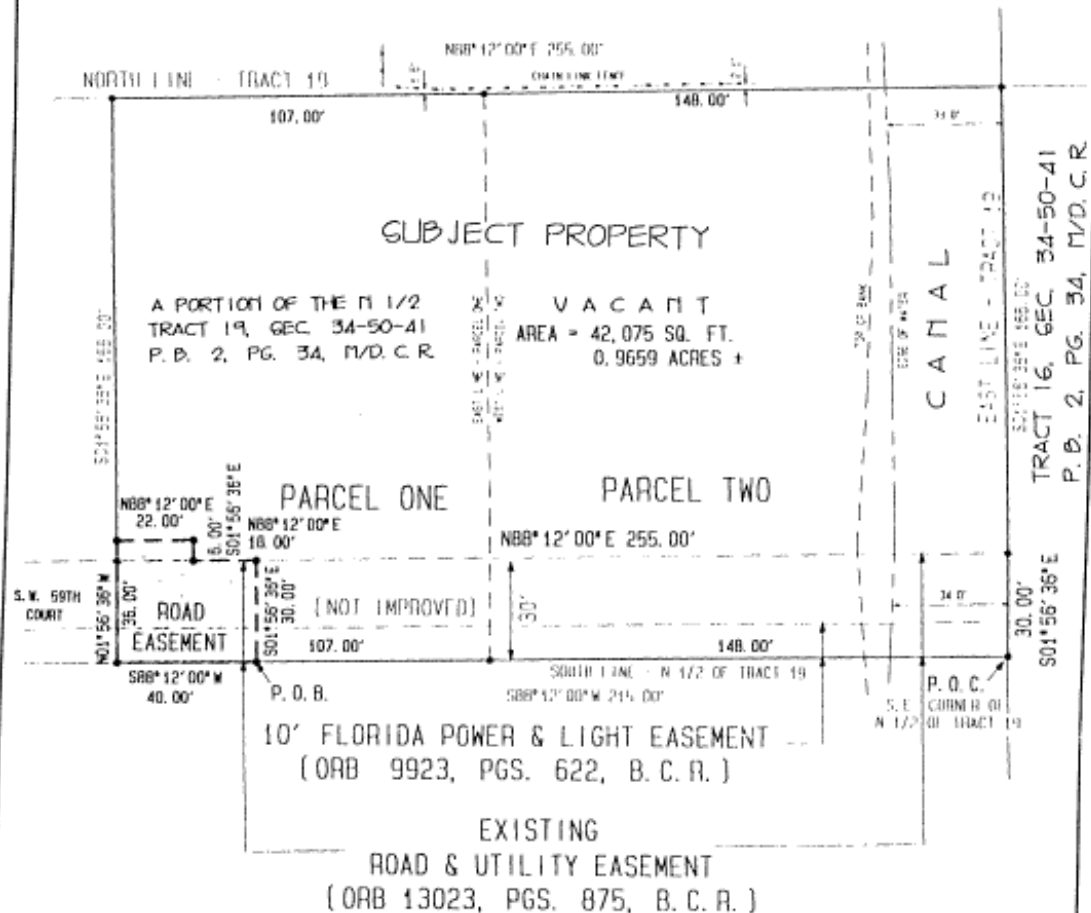
PROPERTY ADDRESS :
S.W. 59TH COURT

SCALE : N/A

SHEET 1 OF 2

PROJECT NUMBER : 2632-99

CLIENT :
GREENSPOON, WARDER, HIRSCHFELD,
RAFKIN, ROSS & BERGER



NOTES

- 1 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER
2 LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY,
EASEMENTS, ENCUMBRANCE, OR OTHER INSTRUMENTS OF RECORD.
3 DATA SHOWN HEREON DOES NOT CONSTITUTE A FIELD SURVEY AS SUCH.
4 BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF TRACT 89,
SECTION 34-50-40 AS SHOWN ON THE STORMWATER RESERVLY NO. 111
RECORDED IN MISCELLANEOUS PLAT BOOK 9, PAGE 9 OF THE PUBLIC
RECORDS OF BROWARD COUNTY, FLORIDA. (34-50-40-111) (34-50-40-111)



LAND DESCRIPTION AND SKETCH

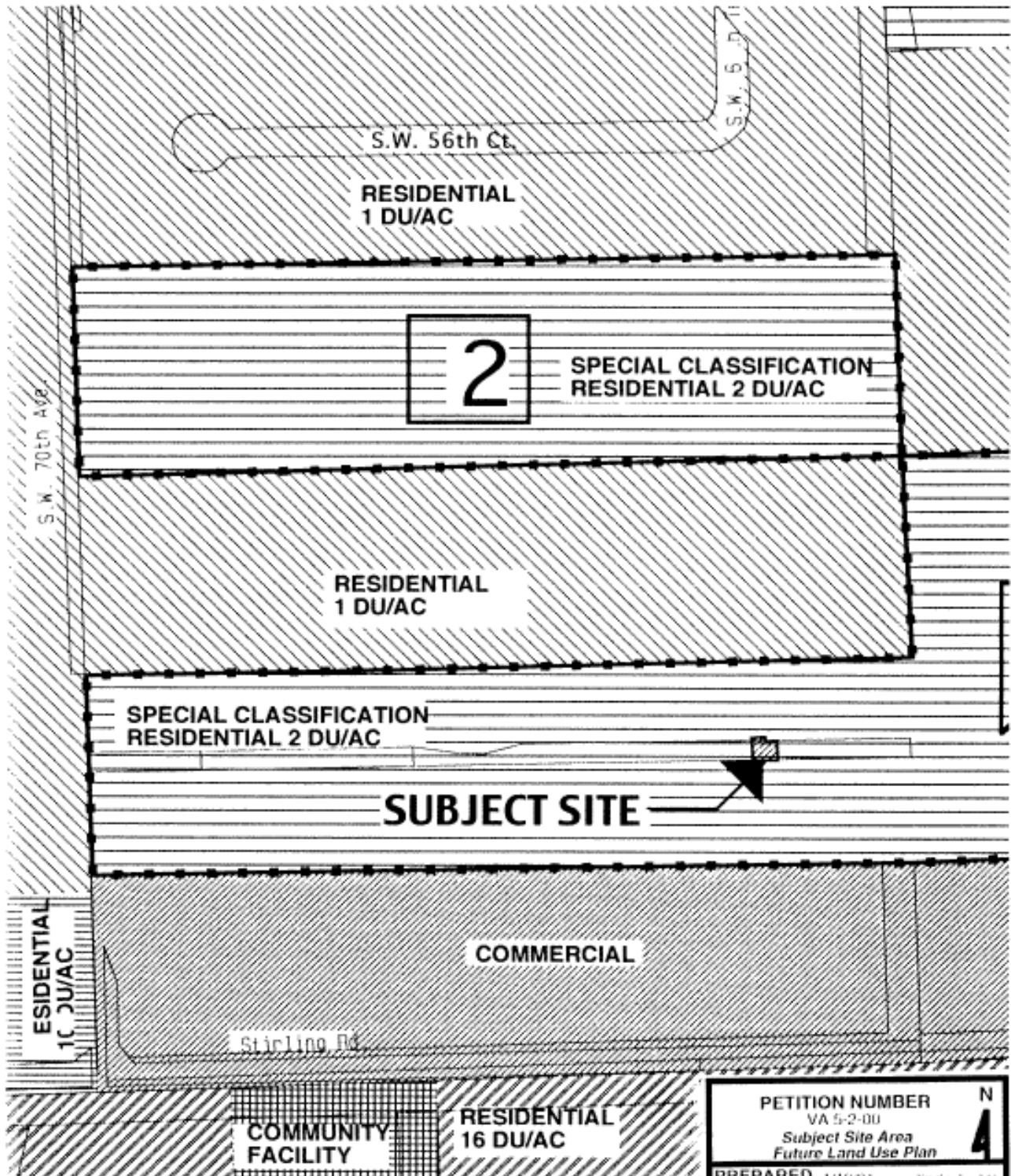
REVISIONS	DATE	BY/PG	DWN	CKD
LAND DESCRIPTION & SIZE/CH	10/01/00	N/A	REC	Rec.
REVISED EASEMENT	10/01/00	N/A	REC	Rec.

PROPOSED
ROAD EASEMENT

PROPERTY ADDRESS :
S. M. 59TH COURT

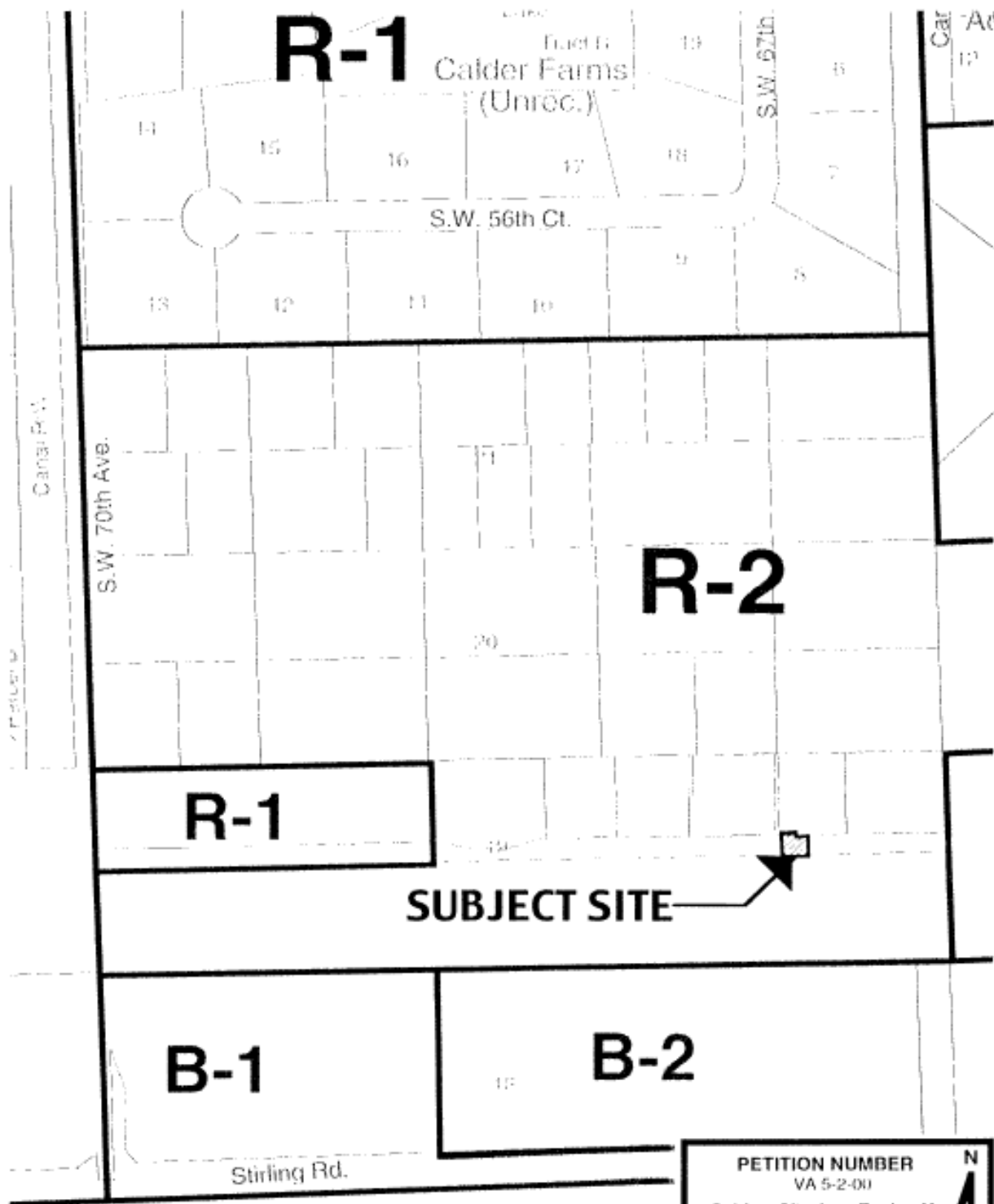
SCAFF: 1st - 40th

3000 2 DE 2



PETITION NUMBER
VA 5-2-00
Subject Site Area
Future Land Use Plan
PREPARED 1/10/01
BY THE PLANNING &
ZONING DIVISION

N
4



PETITION NUMBER
VA 5-2-00
Subject Site Area Zoning Map

PREPARED BY THE PLANNING & ZONING DIVISION

Scale: 1"=200'

N

